

Remarks:

Claims 6-14 remain for consideration in this application along with newly added claims 26-28. Claims 24 and 25 have been canceled.

In the office action dated October 21, 2005, the Examiner rejected claims 6 and its dependents and claims 24-25 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, it is the Examiner's position that the original specification does not support using gasoline, diesel and kerosene as carriers in claim 6. Also, the original specification did not support fuels or alcohols as carriers. Applicant has amended claim 6 to remove gasoline, diesel and kerosene from the Markush group of carrier materials. Applicant has canceled claims 24 and 25 thereby rendering the rejection as to those claims moot. In view of the above amendments, Applicants request that this rejection be withdrawn.

Claims 6-9, 12-14 and 24-25 were rejected under 35 U.S.C. 102(b) as being anticipated by McLaughlin. It was the Examiner's position that McLaughlin disclosed using fats (i.e., esters) as the fluid vehicle in which the colloidal-sized particles are dispersed. Applicants have further amended claim 6 to delete "esters" from the carrier material Markush group. Applicants have also added "fuel additives" to this Markush group. This addition is fully supported by the specification on page 4, line 12. Applicants submit that McLaughlin does not teach the specific carrier materials being claimed. Therefore, Applicants respectfully request that the rejection under McLaughlin be withdrawn.

Newly added independent claims 26 and 28 also distinguish the art of record. Claims 10 and

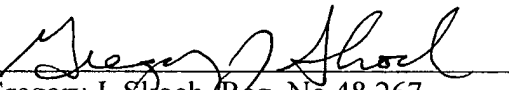
11, as appearing in the previous amendment filed July 26, 2005, were not rejected on a prior art basis. New claims 26 and 27 correspond to previous claims 10 and 11, except that the §112, first paragraph, issues have been obviated. Therefore, claims 26 and 27 are in condition for allowance.

New claim 28 is based on present claim 6, with the only differences being that the carrier material Markush group includes and the metal oxide particles are limited to a member selected from the group consisting of MgO, CaO, TiO₂, Fe₂O₃, SrO, BaO, and combinations thereof. McLaughlin, in col. 4, ll. 26-27, teaches that the solid flame retardant compounds could be zinc compounds such as mixed metal oxide of zinc and magnesium. Applicants submit that a “mixed metal oxide of zinc and magnesium” is very different from a mixture of MgO and ZnO. Mixed metal oxides are generally recognized as materials that contain more than one metal ion type in their oxide crystal structures. U.S. Patent No. 6,986,816 describes a procedure for producing a mixed metal oxide such as an iron-aluminum-oxide. U.S. Patent No. 6,974,566 also provides number examples of mixed metal oxides such as copper-aluminum-oxide and aluminum-titanium-oxide. U.S. Patent 5,186,727 also discusses the preparation of mixed metal oxides. In all cases, the mixed metal oxide contains more than one metal ion type in the oxide crystal structure. Thus, a “mixed metal oxide” is not purely a physical mixture of MgO and ZnO. Therefore, McLaughlin does not anticipate claim 28 as he does not teach the use of the “mono-metal oxides” as presently claimed.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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